

APPEAL NO. 030291  
FILED MARCH 11, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on January 16, 2003. The hearing officer resolved the disputed issues by deciding that the appellant (claimant) is not entitled to supplemental income benefits (SIBs) for the seventh, eighth, and ninth quarters; that if the claimant were entitled to SIBs for the seventh quarter, the respondent (carrier) would be relieved of liability because of the claimant's failure to file an Application for SIBs (TWCC-52) for the seventh quarter of SIBs; and that if the claimant were entitled to SIBs for the eighth quarter, the carrier would be entitled to a reduction of SIBs for the eighth quarter because the claimant filed her TWCC-52 late. The claimant appealed the hearing officer's decision. The carrier filed a response.

DECISION

Affirmed.

The claimant attached to her appeal numerous documents, some of which were offered and admitted into evidence at the CCH and others that were not offered into evidence at the CCH. Those documents that were offered and admitted at the CCH were considered on appeal, as they were part of the CCH record. However, since the Appeals Panel considers the record developed at the CCH (Section 410.203(a)(1)), we do not consider the documents attached to the claimant's appeal that were not made a part of the CCH record. In addition, the claimant has not shown that the documents attached to her appeal that are not a part of the CCH record constitute newly discovered evidence. See Jackson v. Van Winkle, 660 S.W.2d 807 (Tex. 1983); Texas Workers' Compensation Commission Appeal No. 93311, decided June 7, 1993.

Eligibility criteria for SIBs entitlement are set forth in Section 408.142(a) and Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.102 (Rule 130.102). The good faith and direct result criteria for SIBs are disputed. Conflicting evidence was presented at the CCH. The hearing officer is the sole judge of the weight and credibility of the evidence. We conclude that the hearing officer's decision is supported by sufficient evidence and that it is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **INSURANCE COMPANY OF THE STATE OF PENNSYLVANIA** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY  
800 BRAZOS, SUITE 750, COMMODORE 1  
AUSTIN, TEXAS 78701.**

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Robert W. Potts  
Appeals Judge

CONCUR:

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Edward Vilano  
Appeals Judge

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Roy L. Warren  
Appeals Judge